IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :13844 of 2006

Dated: 10th July 2006.

Between:

M/s Sree Tirumala Commercial Corporation

..... PETITIONER

AND

The Joint Commissioner (CT) (Legal), o/o the Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION NO :13844 of 2006

ORAL ORDER:
(Per the Hon'ble Sri Justice J.Chelameswar)

The petitioner is a partnership firm and a registered dealer both under the A.P.G.S.T. Act and the C.S.T. Act on the rolls of the 4th respondent, engaged in the business of cotton trading, etc. For the assessment year 2003-04 the petitioner claimed exemption under Section 3(b) read with Section (2) of the C.S.T. Act on certain transactions. The 3rd respondent issued show cause notice, purporting to disallow the claim of exemption of the petitioner for various reasons, which may not be necessary for the present purpose. By an order dated 19-07-2004, the

3rd respondent confirmed the proposals made in the show cause notice, aggrieved by the same, the petitioner carried the matter in appeal to the 2nd respondent unsuccessfully. By an order dated 06-10-2005, the appeal of the petitioner was dismissed, aggrieved by the same the petitioner carried the matter in appeal before the Sales Tax Appellate Tribunal. Pending such an appeal, the petitioner sought stay of recovery of the tax mentioned above, which application was rejected by the 1st respondent, by his order dated 16-02-2006, hence, the present writ petition.

Heard the learned Special Government Pleader for Taxes.

In the circumstances, we are of the opinion that the matter can be disposed of at this stage directing the respondents not to recover the abovementioned amount of tax from the petitioner on condition that the petitioner deposits half of the abovementioned tax, within a period of four weeks from today. The amount already paid, if any, shall be given credit to while computing half of the abovementioned tax, as directed now.

With the above directions, the writ petition is disposed of at the stage of admission.

J.Chelameswar, J

D.Appa Rao, J

10th July 2006
mrk